

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

PAMELA WILLIAMS,  
Plaintiff,  
v.  
GYRUS ACMI, LP, et al.,  
Defendants.

Case No. [5:14-cv-00805-BLF](#) (HRL)

**ORDER RE PLAINTIFF'S DISCOVERY  
DISPUTE REPORT NO. 1**

Re: Dkt. No. 138

On September 9, plaintiff Pamela Williams filed a “Discovery Dispute Joint Report #1.” In it, she seeks an order quashing or modifying several non-party subpoenas served by defendants on the ground that the subpoenas call for “the disclosure of privileged or protected matter.” (Dkt. 138 at 1). She also asks the court to continue certain depositions, noticed for September 15 and 16, for two weeks because she will be out of town and wants to attend those examinations.

The court denies the requested relief for the following reasons:

Plaintiff’s discovery report was not filed in compliance with the undersigned’s Standing Order re Civil Discovery Disputes. Plaintiff says only that the parties spoke by phone, whereas the Standing Order requires comprehensive meet-and-confer efforts including, if necessary, in-person discussions. Also, the report plaintiff filed is not a “joint” one, but apparently was unilaterally prepared and filed by plaintiff without defendants’ input. There is no statement as to defendants’ position on the issues or each party’s final and most reasonable proposal as to how the

1 court should decide.

2       Additionally, on the record presented, the court is unprepared to quash or modify the  
3 subpoenas because plaintiff has not substantiated her claim that they seek information that is  
4 privileged or otherwise protected from discovery. Nor has she identified the claimed privilege or  
5 protection, much less the bases for any such claims.

6       Finally, with respect to scheduling, the court notes that the discovery cutoff remains set for  
7 October 14, 2016. The scheduling of depositions depends not only on the availability of the  
8 parties, but also on the availability of the subpoenaed witnesses. Accordingly, this court declines  
9 to continue the depositions in question solely to accommodate plaintiff's schedule. Nevertheless,  
10 the court notes that for non-party witnesses, "a party must also meet and confer about scheduling,  
11 but may do so after serving the nonparty witness with a subpoena." Civ. L.R. 30-1. To the extent  
12 they have not yet done so, the parties and witnesses are directed to meet-and-confer for the  
13 purpose of identifying deposition dates, within the time remaining before the October 14, 2016  
14 discovery cutoff, that are mutually available to the parties and the subpoenaed witnesses.

15       SO ORDERED.

16       Dated: September 14, 2016

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19       HOWARD R. LLOYD  
20       United States Magistrate Judge  
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5:14-cv-00805-BLF Notice has been electronically mailed to:

Glenn Lansing Briggs gbriggs@kadingbriggs.com, vbeechler@kadingbriggs.com

Kymberleigh Damron-Hsiao kdh@kadingbriggs.com, mrogers@kadingbriggs.com,  
vbeechler@kadingbriggs.com

Pamela Williams Pam.Williams1001@gmail.com

5:14-cv-00805-BLF Notice sent by U.S. Mail on 9/14/2016 to:

Pamela Williams  
909 Marina Village Pkwy, #292  
Alameda, CA 94501